



# California Regional Water Quality Control Board San Diego Region



Linda S. Adams  
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9174 Sky Park Court, Suite 100, San Diego, California 92123-4353  
(858) 467-2952 • Fax (858) 571-6972  
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

September 28, 2010

**Certified Mail – Return Receipt Requested**  
Article Number: 7009 1410 0002 2347 5432

Mr. Jack Eitzen  
P.O. Box 998  
Saratoga, California 95071

In reply refer to:  
**App. ID No. 288214**  
**Place ID No. 755683**

Dear Mr. Eitzen:

**NOTICE OF HEARING AND ISSUANCE OF COMPLAINT NO. R9-2010-0084 FOR ADMINISTRATIVE CIVIL LIABILITY AGAINST MR. JACK EITZEN FOR VIOLATIONS OF BASIN PLAN PROHIBITIONS 1 AND 14 AND ORDER NO. 99-08-DWQ FROM CONSTRUCTION ACTIVITIES AT 38175 VIA VISTA GRANDE, MURRIETA, CALIFORNIA**

Enclosed find Complaint No. R9-2010-0084 (Complaint) for Administrative Civil Liability against Mr. Jack Eitzen (Discharger) for \$381,450 for violation of Prohibitions contained in the Water Quality Control Plan, San Diego Basin (9), (Basin Plan) and State Water Resources Control Board Order No.99-08-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated With Construction Activity. The Discharger is in violation by discharging waste to waters of the state, discharging sediment to a separate storm sewer system tributary to waters of the United States, and failing to develop and implement an adequate Storm Water Pollution Prevention Plan. The violations are described in the Complaint and the attached Technical Analysis to the Complaint. To further assist you in understanding this administrative process, an Administrative Civil Liability Complaint Fact Sheet is attached.

Waiver of Hearing

Pursuant to Water Code section 13323, the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) will hold a hearing on the Complaint no later than ninety (90) days after it is issued. You may elect to waive your right to a hearing before the San Diego Water Board. Waiver of the hearing constitutes admission of the violations alleged in the Complaint and acceptance of the assessment of civil liability in the amount of \$381,450 as set forth in the Complaint. For the San Diego Water Board to accept the waiver of your right to a public hearing, you must submit the following to the San Diego Water Board by 5 p.m., **October 28, 2010**.

1. The enclosed waiver form signed by an authorized agent of Mr. Jack Eitzen; and

2. A check for the full amount of civil liability of \$381,450 made out to the "State Water Resources Control Board"

Public Hearing

Alternatively, if you elect to proceed to a public hearing, a hearing is tentatively scheduled to be held at the San Diego Water Board meeting on **December 8, 2010**. The meeting is scheduled to convene at the San Diego Water Board office, located at 9174 Sky Park Court, San Diego, California and the meeting will begin at 9 a.m. At that time, the San Diego Water Board will accept testimony and public comment and decide whether to affirm, reject, or modify the proposed liability, or whether to refer the matter for judicial civil action.

Enclosed are recommended procedures for the San Diego Water Board to follow in conducting the hearing. Please note that comments on the proposed procedures are due by **October 8, 2010**, to the San Diego Water Board's advisory attorney, Catherine Hagan at the address indicated in the hearing procedures.

Please contact Rebecca Stewart of my staff at (858) 467-2966 or by e-mail at [rstewart@waterboards.ca.gov](mailto:rstewart@waterboards.ca.gov) if you have any questions concerning this matter. The heading portion of this letter includes a San Diego Water Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the San Diego Water Board pertaining to this matter.

Respectfully,



JAMES G. SMITH  
Assistant Executive Officer

JGS:jch:rls

- Enclosures
1. Complaint No. R9-2010-0084
  2. Technical Analysis
  3. Administrative Civil Liability Complaint Fact Sheet
  4. Waiver of Public Hearing Form
  5. Proposed Hearing Procedures

Mr. Jack Eitzen  
38175 Via Vista Grande, Murrieta  
Complaint No. R9-2010-0084

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September 28, 2010

cc via email (w/enclosures):

David Gibson, San Diego Water Board, dgibson@waterboards.ca.gov

David Barker, San Diego Water Board, dbarker@waterboards.ca.gov

Chiara Clemente, San Diego Water Board, cclemente@waterboards.ca.gov

Tony Felix, San Diego Water Board, tfelix@waterboards.ca.gov

David Boyers, Office of Enforcement, dboyers@waterboards.ca.gov

Catherine Hagan, Office of Chief Counsel, chagan@waterboards.ca.gov

Jessica Newman, Office of Chief Counsel, jmnewman@waterboards.ca.gov

Chandra Thomas, County of Riverside, Department of Building and Safety,  
cthomas@rctlma.org

Phil Broesamle, County of Riverside, Department of Building and Safety, pbroesam@rctlma.org

Jon Crawford, City of Wildomar, jcrawford@Interwestgrp.com

Anna Milloy, California Department of Fish and Game, amilloy@dfg.ca.gov

cc via U.S Mail (with enclosures):

Mr. Anton Dahlgren, 22387 Stanley Lane, Wildomar, CA 92595

Mr. and Mrs. Ifti Kazmi, 22408 Montes Court, Murrieta, CA 92562

<u>CIWQS &amp; SMARTS Entries</u>	
CIWQS Place ID	755683
CIWQS Violation ID	878075
CIWQS Party ID	524003
SMARTS App ID	288214
SMARTS Violation IDs	841134, 841297, 841299
SMARTS Enf. ID	402035